

ORDINANCE NUMBER 22-17

AN ORDINANCE OF THE CITY OF WESTFIELD CONCERNING AMENDMENT TO TEXT OF THE ANDOVER PLANNED UNIT DEVELOPMENT BEING THAT OF ORDINANCE 03-40, ORDINANCE 06-24, ORDINANCE 12-37, ORDINANCE 15-19, ORDINANCE 15-23, ORDINANCE 18-35 AND TITLE 16 – LAND USE CONTROLS

“Andover PUD Amendment – Parcel I”

This is an amendment to a Planned Unit Development District Ordinance, known as the ANDOVER PLANNED UNIT DEVELOPMENT (the “**Amendment**”), to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the “**UDO**”), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code§ 36-7-4 et seq., as amended.

WHEREAS, the City of Westfield, Indiana (the “**City**”) and the Township of Washington, both of Hamilton County, Indiana are subject to the UDO;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the “**Commission**”) considered a petition (Docket 2206-PUD-12), filed with the Commission requesting an amendment to Ordinance 03- 40, enacted by the Westfield Town Council on December 8, 2003, and amended by (i) Ordinance 12-37, enacted by the City Council on January 14, 2013 (ii) Ordinance 15-19, enacted by the City Council on June 22, 2015; (iii) Ordinance 15-23, enacted by the City Council on July 27, 2015; (iv) Ordinance 18-35, enacted by the City Council on September 10, 2018 (collectively, the “**Andover PUD Ordinance**”);

WHEREAS, the Amendment pertains to the subject real estate more particularly identified by as Block A, Section 1B of the Lakes at Shady Nook, a subdivision of the City of Westfield, Hamilton County, Indiana, recorded as Instrument No. 2015014367 in the Office of the Recorder of Hamilton County, Indiana (the “**Real Estate**”),

WHEREAS, the Commission forwarded Petition No. 2206-PUD-12 to the Common Council of the City of Westfield, Hamilton County, Indiana (the “**Council**”) with a _____ recommendation (Vote: ____ in favor, ____ opposed) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code§ 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Council on _____, 2022;

WHEREAS, the Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

NOW, THEREFORE, BE IT ORDAINED by the Council, meeting in regular session, that the UDO and Zoning Map are hereby amended as follows:

Section 1. Applicability of Ordinance.

- 1.1 The Andover PUD Ordinance is hereby amended for the Real Estate. In all other respects, the Andover PUD Ordinance shall remain in effect and unchanged. To the extent that the provisions of the UDO or the Andover PUD Ordinance conflict with the provisions of this Amendment, the provisions of this Amendment shall prevail.
- 1.2 Development of the Real Estate shall be governed by: (i) the provisions of this Amendment and any exhibits attached hereto, (ii) the Andover PUD Ordinance, and (iii) the provisions of the UDO, as amended and applicable to the Real Estate, except as modified, revised, supplemented or expressly made inapplicable by this Amendment.
- 1.3 Chapter (“**Chapter**”) and Article (“**Article**”) cross-references of this Amendment shall hereafter refer to the section as specified and referenced in the UDO.
- 1.4 All provisions and representations of the UDO that conflict with the provisions of this Amendment are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Amendment.

Section 2. Local Business Area. The standards of *Exhibit 6: Underlying LB Local and Neighborhood Business Standards* of the Andover PUD Ordinance shall apply to the development of Parcel I, except as otherwise modified below:

- 2.1 Use of Required Yards: Front Yard Adjacent Residential Districts – Required front yards adjacent to residential districts may include driveways and parking areas, provided that (i) no portion of the parking area may be located closer to the right-of-way than ~~(30)~~ (10) feet; and, (ii) the remainder of said required front yard shall be maintained as green space free from building or structures.

Section 3. Development and Architectural Standards. The standards of Section 8 of the Andover PUD Ordinance shall apply to the development of the Real Estate unless otherwise modified by this Amendment.

- 3.1 Section 8(C)(1) of the Andover PUD Ordinance is hereby replaced and restated as follows: “The square footage of the day care facility in Parcel I shall not exceed 11,000 square feet.”
- 3.2 For Parcel I, Fiber Cement Siding shall replace External Insulation and Finishing Systems (EIFS) as a permitted primary material per WC 16.04.165(D)(3)(f)(2).

Section 4. Landscaping. The standards of Section 9 of the Andover PUD Ordinance shall apply to the development of the Real Estate unless otherwise modified below:

4.1 For Parcel I, the western parcel boundary fronting Grassy Branch Rd. shall have a landscape buffer width of ten (10) feet.

4.2 Proposed landscaping shall be constructed in substantial compliance with the Parcel I Landscape Plan attached hereto as Exhibit A.

Section 45. Duration. Failure to obtain approval of a Development Plan for the Real Estate by December 31, 2027 (unless otherwise extended by the Director) shall automatically void this Amendment and cause the zoning classification of the Real Estate to revert to the AG-SF1 District.

Section 56. Severability. If any term or provision of this Amendment is held to be illegal or unenforceable, the validity or enforceability of the remainder of this Amendment will not be affected.

ALL OF WHICH IS ORDAINED/RESOLVED THIS ____ DAY OF _____, 2022.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

James Edwards

James Edwards

James Edwards

Scott Frei

Scott Frei

Scott Frei

Jake Gilbert

Jake Gilbert

Jake Gilbert

Mike Johns

Mike Johns

Mike Johns

Troy Patton

Troy Patton

Troy Patton

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

Scott Willis

Scott Willis

Scott Willis

ATTEST:

Cindy Gossard, Clerk Treasurer

I hereby certify that **ORDINANCE** __-__ was delivered to the Mayor of Westfield on the _____ day of _____, 2022, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE** __-__
this _____ day of _____, 2022.

I hereby VETO **ORDINANCE** __-__
this _____ day of _____, 2022.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

This document prepared by: Matthew S. Skelton, Church Church Hittle + Antrim, Two North Ninth Street, Noblesville, Indiana 46074, (317) 773-2190.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Matthew S. Skelton.